

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>ELRICK HARRIS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>OPTION ONE MORTGAGE</b>	)	<b>CIVIL ACTION NO.</b>
<b>CORPORATION, H&amp;R BLOCK</b>	)	
<b>MORTGAGE CORPORATION,</b>	)	<b>2:06-cv-630-ID</b>
<b>PREMIER MORTGAGE</b>	)	
<b>FUNDING, INC.; AND MORGAN</b>	)	
<b>TITLE SERVICE, LLC,</b>	)	
	)	
<b>Defendants.</b>	)	

**FIRST AMENDMENT TO ANSWER OF DEFENDANTS**

COME NOW defendants Option One Mortgage Corporation and H&R Block Mortgage Corporation and hereby amend their Answer to plaintiff's Complaint to assert the following additional defense:

**TWENTY-EIGHTH DEFENSE**

Some or all of plaintiff's claims are barred under the economic loss rule.

Respectfully submitted,

/s/ Stephen A. Walsh

Stephen A. Walsh

Attorney for Defendants

Option One Mortgage Corporation and  
H&R Block Mortgage Corporation

**OF COUNSEL:**

ADAMS AND REESE LLP  
2100 Third Avenue North, Suite 1100  
Birmingham, Alabama 35203-3367  
Telephone: (205) 250-5000  
Facsimile: (205) 250-5034

**CERTIFICATE OF SERVICE**

I hereby certify that on December 13, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Robert E. Kirby, Jr.  
Smith, Hanson & Kirby, LLC  
Attorney for Plaintiff  
4401 Gary Avenue  
Fairfield, AL 35064

Richard M. Allen  
Chad W. Bryan  
Capell & Howard  
150 South Perry Street  
Montgomery, AL 36104

Joseph C. Espy, III  
Melton Espy & Williams, PC  
P. O. Drawer 5130  
Montgomery, AL 36103-5130

/s/ Stephen A. Walsh  
OF COUNSEL